REMARKS

Claim 1 has been amended to limit the starch to soluble starch.

Claims 1-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Crossman, et al. (US 2003/0032562) or van Lengerich (US 6,723,358) in view of Blue, et al. (US 5,935,826). Crossman discloses controlled release compositions in which an oil well chemical is absorbed onto a particulate starch. Such particulate starches have a highly organized structure such as granular starches and resistant starches made therefrom (see para 0012). Therefore, they are not soluble in contrast to the present invention.

The starch of Crossman must be particulate in nature so that the chemical is absorbed. Therefore, one skilled in the art would not substitute the insoluble starch of Crossman with the soluble starch of Blue to reach the present composition in which the starch is soluble.

In addition, there is no teaching or suggestion in Crossman that the soy protein is part of the encapusulant as in the present invention. Although Crossman does not advise why or in what way soy proteins are used, he does state that the adjuvants are used to improve controlled release or are encapsulated by other encapsulation media. [see para 0028]. One skilled in the art of oil wells understands that soy proteins are conventionally used as thickeners as the viscosity controls the release of the oil in the well.

Van Lengerich teaches encapsulation of components into edible products. Van Lengerich uses a starch which is substantially ungelatinized (insoluble) [see col 2, last line]. It is a key requirement that the starch is not gelatinized [see col 3, lines 42-46] and therefore not soluble in contrast to the present invention. As using an ungelatinized starch is a key requirement of van Lengerich, one skilled in the art would not substitute it with the soluble starch of Blue to reach the present composition in which the starch is soluble.

Further, the function of proteins in van Lengerich is clearly to enhance the water binding or viscosifying characteristics of the formula, thereby preventing or delaying the release of the encapsulant from the matrix [see col 8, line 24]. In contrast, the proteins of the present invention function as part of the encapsulating medium.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,

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